

## REMARKS

**Claims in the Application.** Claims 1-5 and 14-17 have been cancelled from this application. Claims 6-8 have been amended to change their dependencies to non-cancelled claims. Accordingly, Claims 6-13 and 18-20 are active in this application. Reconsideration is respectfully requested.

**Examiner's Rejection of the Claims under 35 USC § 102(e).** The Examiner has rejected Claims 1-20 under 35 USC § 102(e) as being anticipated by US Patent No. 6,793,018 ("*Dawson*"). This ground of rejection is traversed.

*Dawson* does not anticipate the claims. *Dawson* is directed to a method of reducing the viscosity of gels by use of a synergistic mixture of inorganic oxidizing agents and organic esters (bridging paragraph of columns 2 and 3). While col. 4, ll. 35-36 of *Dawson* states that the composition may be used as "temporary plugs for purposes of wellbore isolation and/or fluid loss control", *Dawson* provides no example or description as to the amount of carboxymethyl guar in the base fluid needed in a gelled crosslinkable fluid in order for the fluid to function as a blocking gel. Col. 5, l. 9 through col. 6, l. 20 of *Dawson* specifically refers to an "aqueous fracturing fluid". Neither does *Dawson* disclose a pH for the gelled crosslinkable fluid in order for the fluid to function as a blocking gel. The bridging paragraph of columns 5 and 6 and lines 14-18 of column 9 relate to the pH of a fracturing fluid. Fracturing is a distinct method from the claimed method directed to the formation of a blocking gel or barrier within a formation.

Independent Claim 18 of Applicants recites pumping of a gelled, aqueous base crosslinkable fluid into the "subterranean formation after a drilling, completion or workover procedure" and forming a blocking gel within the formation. *Dawson* does not disclose use of a gelled fluid containing a carboxymethyl guar and a crosslinking agent subsequent to a drilling, completion or workover procedure.

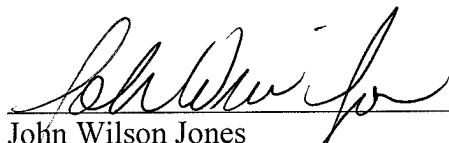
Since *Dawson* does not disclose each and every limitation of the claims of Applicants, *Dawson* can only be, at best, a reference under 35 U.S.C. § 103. However, under 35 U.S.C. § 103(c), prior art under 35 U.S.C. § 102(e) shall not preclude patentability when "owned by the same person or subject to an obligation of assignment to the same person." *Dawson* and the instant application were, at the time the invention was made, owned by, or subject to an obligation of assignment, to BJ Services Company. The inventors in the instant application assigned their interests to BJ Services Company in the assignment recorded on March 26, 2004,

Reel/Frame: 015912/0740. Copies of the assignment in the instant application and the assignment of *Dawson* are available upon request. The Examiner is therefore respectfully requested therefore to withdraw the rejection of the claims of Applicants over *Dawson*.

**Conclusions.** In view of the foregoing remarks, it is believed that this application is in condition for allowance. Early issuance of a Notice of Allowance is therefore requested.

Respectfully submitted,

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